IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTHY FIRST DAY OF MARCH

TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 6888 of 2005

Between:

G.Rameshwar Rao, S/o. Balakistaiah, Aged about 45 years, working as General Manager (Engg), PD.V.Sahebnagar, Metropolitan Water Supply & Sewerage Board, Hyderabad.

..... PETITIONER

AND

1 The Hyderabad Metropolitan Water Supply & Sewerage

Board, rep. by its Managing Director, Hyderabad.
2 The Engineer-in-Chief(Public Health, Govt. of A.P., Kashana

A.C.Guards, Hyderabad.
3 The Govt. of Andhra Pradesh, Rep. by its Principal Secretary,

Municipal Administration and Urban Development

Department, Secretariat Buildings, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ of Mandamus;

A. To call for the records connected with O.A.No.1038 of 2005 dated 16.03.2005 and set aside the APAT order.

B. To declare that the petitioner services deemed to have been observed in Hyderabad Metropolitan water Supply & Sewerage Board and I cannot be repatriated to P.H.&M.E. Department after lapse of 12 years from the date of calling of the option and after 24 years of service.

C. To declare that the petitioner is entitled to reckon petitioners seniority in the 1st respondent Board in the post of Manager (Engineering) Dy. General Manager (Engineering) as per the Presidential Order, i.e. The Andhra Pradesh Public Employment (Organisation of Local Cadre and Regulation of Direct Recruitment) Order, 1975.

Counsel for the Petitioner: MR.P.Balakrishna Murthy

Counsel for Respondent No.1: M.Venkateswar

Counsel for Respondent Nos.2 and 3: GP for Municipal Administration and Urban Development.

The Court made the following:

THE HON'BLE SRI JUSTICE G. BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE P.S. NARAYANA

WRIT PETITION No.6888 of 2005

ORAL ORDER:- (PER GB,J.)

The Writ Petition is filed aggrieved by the action of the Tribunal in not passing any interim order in view of the urgency involved in this case.

2. It is the case of the petitioner that he has been working in the Hyderabad Metropolitan Water Supply and Sewerage Board (for short "the Board"), for more than 25 years and he is presently working as General Manager (Engg) in the Board. Now the petitioner sought to transfer him to the department as he has exercised the

option for absorption of the services in the Board in 1992 itself, and consequently, he has to be sent back to the department. But however, his grievance is that no interim relief has been granted. In such a situation, the Tribunal ought to have protected the interest of the person more especially when he opted for absorption in the Board.

3. The learned Government Pleader submits that no writ is maintainable as no orders were passed by the Government or by the Department and also by the Tribunal. He shall only challenge if any orders passed by the Tribunal, and therefore, the writ itself is not maintainable. When the petitioner approached the Tribunal seeking interim relief, the Tribunal ought to have granted interim order either in favour of the petitioner or against the petitioner, but not by passing orders, it would defeat the very approach of the Tribunal.

4. Under those circumstances, we are inclined to pass appropriate orders keeping in view the interest of the petitioner subject to the final result in the O.A.

5. Accordingly, the Writ Petition is disposed of directing the Tribunal to dispose of the O.A. on its own merits as expeditiously as possible. Pending disposal of the O.A., status quo as obtained today shall be maintained.

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G. BIKSHAPATHY, J

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P.S. NARAYANA, J

Date: 31.03.2005

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Note:- Issue copy by 01.04.2005

B/o.

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TO

1 The Hyderabad Metropolitan Water Supply & Sewerage

Board, rep. by its Managing Director, Hyderabad.

2 The Engineer-in-Chief(Public Health, Govt. of A.P., Kashana

A.C.Guards, Hyderabad.

3 The Govt. of Andhra Pradesh, Rep. by its Principal Secretary,

Municipal Administration and Urban Development

Department, Secretariat Buildings, Hyderabad.

4 2 CCs to the G.P. for Municipal Administration and Rural

Development, High Court Buildings, Hyderabad. (OUT)

5 2 CD copies.

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